

SENATE BILL NO. 481

BY SENATOR PERRY

1 AN ACT

2 To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to
3 discovery; to provide relative to discovery procedures in certain criminal cases; to
4 prohibit the reproduction of certain evidence in certain cases involving pornography
5 involving juveniles, video voyeurism, and obscenity; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 718.1 is hereby enacted to read as
9 follows:

10 **Art. 718.1. Prohibition on reproduction of pornography involving juveniles**

11 **A. In any criminal proceeding, any property or material that is alleged**
12 **to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is**
13 **unlawfully possessed, video voyeurism as defined in R.S. 14:283, or**
14 **pornography involving juveniles as defined in R.S. 14:81.1, shall remain in the**
15 **care, custody, and control of the court or the district attorney.**

16 **B. Notwithstanding any other provision of law to the contrary, the court**
17 **shall deny any request by the defendant to copy, photograph, duplicate, or**
18 **otherwise reproduce any property or material that is alleged to constitute**
19 **evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully**
20 **possessed, video voyeurism as defined in R.S. 14:283, or pornography involving**
21 **juveniles as defined in R.S. 14:81.1, provided that the district attorney makes**
22 **the property or material reasonably available to the defendant.**

23 **C. For purposes of this Article, the property or material shall be deemed**
24 **reasonably available to the defendant if the district attorney provides ample**
25 **opportunity for the inspection, viewing, and examination at the office of the**

1 district attorney of the property or material by the defendant, the defendant's
2 attorney, and any individual the defendant may seek to qualify to furnish expert
3 testimony at trial.

4 Section 2. R.S. 46:1845 is hereby repealed in its entirety.

5 Section 3. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____